

the first witness for the defense. He testified he lives and keeps store at 44 Tyson street, opposite No. 41 Tyson street. Brown's house; he went to bed between 10 and 11 o'clock the night of July 30th last, but could not sleep in consequence of the noise at Brown's; and between 1 and 2 o'clock in the morning he got up and sought a policeman to quell the noise and enable him to get some sleep before morning; found McDonald and complained to him; went back and got into bed again when he heard a noise, like a fire-cracker; got up and looked across the street; the door of Brown's house was closed; saw a colored man first come out and then McDonald; Brown rented the house from witness. Harman Linthicum testified that he was road foreman of engines on the Northern Central railroad, and the prisoner, as a fireman or engineer, was under him three years; his reputation for peaceableness, gentleness, humanity and forbearance was good. Thomas J. Osborne, George Vandannaker and J. A. Thompson, all employees on the Northern Central railroad, gave him the same good character. Mr. Thompson said he never heard anything to the contrary but once; heard that an engineer had beaten McDonald with a boot. Christian England, who has known him from youth, John Hough and Capt. Earhart also testified, and the latter said his character in the respects named was of the very best. He was asked in regard to order No. 13, but without going further court adjourned.

## The Cake-Walk Homicide.

EVIDENCE FOR PROSECUTION CLOSED AND THAT FOR DEFENSE COMMENCED.

[Reported for the Baltimore Sun.]

In the trial, in the Criminal Court, of Patrick McDonald for the murder of Daniel Brown, colored, "the cake-walk murder," yesterday, the testimony for the State was concluded and that of the defense commenced.

**THE SURROUNDINGS.**  
The trial attracted quite a crowd of spectators. The prisoner wore his usual look of firmness, with a slight dash of something like haggardness in his expression. The jury listened to the testimony with attentiveness.

**IMPORTANT EVIDENCE.**  
Mary Parker, colored, testified she heard the colloquy between the policeman McDonald and the colored man Gresham at the door of Brown's house the night of the killing; heard the policeman say at the close of it, "You could not make more noise if you had a permit;" Brown then came forward, and of his conversation she only heard Brown say, "I rent the house and pay the rent for it, and I think I ought to have the right to use it to suit myself;" she heard the officer say, "If you give me any more of your sauce I'll snatch you out of the door;" soon after she saw the policeman strike Brown with his club; saw Brown sidle back towards the little closet in the back room; he went into the closet; witness went to the door of the closet and said to Brown, "Do not go back again;" witness then saw the policeman in the middle of the front room, with pistol drawn; Mrs. Brown said "Oh, he is going to shoot Doug;" and when he had his pistol leveled she cried out, "Don't shoot him, he is my husband;" The policeman replied, "I don't care if he is, 'I'll shoot the s— of a—," and he went right to him and shot him; Brown had come out from the closet, she did not see when or how; he had his head turned facing the officer; when shot he seemed to give a slight jump and fell with his head near the table leg. Mrs. Brown stood just behind the officer, and when her husband fell she exclaimed, "You have killed him; let him die." The witness was not asked a single question by the defense. The jury seemed to pay marked attention to this witness, and one of them asked particularly if Brown went in the closet or only towards it. The witness responded, as stated, that he went into the closet.

William Coates, colored, testified that he lived in Brown's house, and ran up to his room for a joke when the rap came to the door from the officer.

Lorenzo Goldston, colored, testified to the same facts generally. He recognized the policeman, though he is now shaved and at the time of the shooting he had a long, reddish beard.

**THE WIFE'S EVIDENCE.**  
Keziah Brown, colored, testified that she was the wife of Daniel Brown; she described the occurrences as had other witnesses; when the policeman struck her husband with the espantoon Brown staggered back nearly into the cupboard or closet, that is, into the edge of the cupboard door, the policeman drew his pistol, and when she said "Don't shoot him, he is my husband," the policeman took her by the right shoulder, and wheeling her around from in front of her husband, where she was standing, shot him over her shoulder. As the policeman went out she said "You have killed him," and the policeman said "Let him die."

On the cross-examination by Mr. Hambleton he asked the witness if various persons had conversed with her about the circumstances, about the coroner's inquest, &c. This was objected to by the State, but allowed by the court to test by cross-examination the degree of credit for accuracy to be given to the witness. She said she had never talked of it to any one until she spoke to the State's officer last Saturday. When her husband staggered back from the blow of the espantoon he staggered into the little recess between the stove and the stair steps to the cupboard; his head was held down to one side; she was standing at the cupboard door, which is under the stairs, and tried to support him, but he fell from her arms into the cupboard door; she then stood in front of her husband, with her face towards the officer; the officer was just the distance of his outstretched arm from her husband when he whirled her around and shot over her shoulder.

**THE PISTOL IN COURT.**  
Captain Earhart, of the northwestern district, was called to prove the bounds of McDonald's beat as policeman, in which was situated the house of Daniel Brown, No. 41 Tyson street. He produced the pistol used by McDonald, but when Judge Gilmor learned it was loaded he refused to permit it to be handled in the trial until the charges were drawn. After doing this Captain Earhart testified that he found one of the six barrels empty. The pistol was then taken charge of by the State's attorney.

Greenbury Wilson, a deputy warden at the jail, testified to McDonald's having a light coat when brought to the jail.

The testimony for the State closed.

**OPENING FOR THE DEFENSE.**

Mr. Poe made the opening statement for the defense. He said the prisoner was thirty-six years old and had a family. He was formerly in the employment of the Northern Central Railroad Company as engineer or fireman, winning a good name in that position. He was on the police force about a year. Mr. Poe spoke of the qualities of courage, coolness, &c., required of policemen, and said their duties often called for the exposure of their lives. They could not kill for an escape in misdemeanor, but they might pursue a prisoner who has got away, and even break into his door to follow and rearrest him. They would show that the officer was assaulted on the pavement, and got into the house in the struggle, when the door was locked on him. He was in this position when he used his pistol. Mr. Poe said they should also rely in the defense of the prisoner on order 18 of the board of police commissioners, an order drawn under the advice of Mr. S. T. Wallis, and sustained by a decision of the Court of Appeals. He was about to read the order, when the State objected, and Judge Gilmor ruled it out on the ground that the order might not be evidence in the case. The order is as follows:

**POLICE ORDER 18.**  
"Officers and men are instructed that in all cases of misdemeanor, not committed in their sight or hearing, they must obtain or have a warrant to arrest, but they may quietly enter any place of public resort upon reasonable suspicion to see if the law is being violated and make arrests if they see that it is. When the public peace is disturbed in their sight or hearing they must not only arrest, but may even break open doors for that purpose. In all cases of felony, arrests may be made without warrant on reasonable suspicion, whether such suspicion arises in the breast of the officer or is communicated to him by a reliable third party; if the suspicion is communicated and is not of recent date the officers should have a warrant."

**EVIDENCE FOR THE DEFENSE.**  
Allen Martin, a venerable looking man, was